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HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No.7246 of 2007

PETITIONER Subhash Dhubal, s/o Shri Shankar Dhubal, aged about 37 years, Panchayat Karmi(Secretary), Gram Panchayat, Baitari, R/o Village Baitari, Tahsil Saraipali, District Mahasamund(CG)

Versus

RESPONDENTS

1. State of Chhattisgarh acting Through : Secretary, Panchayat and Social Welfare Department, D.K.S.Building, Mantralaya Raipur (C.G.)
2. Deputy Director, Panchayat and Social Welfare District Mahasamund(CG)
3. Chief Executive Officer, Janpad Panchayat, Saraipali, District Mahasamund(CG)
4. Chief Executive Officer, District Panchayat, Mahasamund(CG)
5. Sarpanch, Gram Panchayat Baitari, Janpad Panchayat, Saraipali, District Mahasamund(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri L.C.Dash, counsel for the petitioner.

Shri Satish Gupta, Dy. Government Advocate for the State/ respondents on advance copy.

ORAL ORDER
(07.12.2007)

SUNIL KUMAR SINHA, J.

Heard on admission.

The petitioner was initially appointed on the post of Panchayat Karmi of the concerned Gram Panchayat on 11.10.2005. Thereafter, he was declared as Secretary of the said Gram Panchayat under Section 69 (1) of the Panchayat Raj Adhiniyam, 1993 vide order dated 18.10.2005. By the impugned order dated 8.11.2007, the order pertaining to declaration as Secretary, has been cancelled by the Deputy Director, Panchayat & Social Welfare, Mahasamund.

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Learned counsel for the petitioner argues that the order has been passed without making any proper enquiry and without giving any opportunity of hearing to the petitioner.

Admittedly, the order passed by the Dy. Director, Panchayat and Social Welfare is an appealable order under C.G. Panchayat(Appeal and Revision) Rules, 1995.

Since statutory remedy is available to the petitioner and the said remedy is efficacious, I am not inclined to entertain this petition.

The petition is disposed of at this stage. However, the petitioner shall be at liberty to file appropriate appeal before the concerned authority in accordance with the provisions of Rules, 1995.

Sd/-
Sunil Kumar Sinha
Judge

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